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| First Named Inventor | Paul Rudeck | <p align="center"><u>COMMUNICATION</u> <u>REGARDING DIVISIONAL</u> <u>APPLICATION</u></p> |
| Serial No. | Filed Herewith | |
| Filing Date | Filed Herewith | |
| Group Art Unit | Unknown | |
| Examiner Name | Unknown | |
| Confirmation No. | Unknown | |
| Attorney Docket No. | 400.177US02 | |
| Title: VERTICAL FLASH MEMORY CELL WITH BURIED SOURCE RAIL | | |

22264 U.S. PTO

10/671112



09/25/03

Mail Stop: Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

The parent of the above-identified patent application, i.e., U.S. Patent Application Serial No. 10/224,702, was subjected to a Restriction Requirement by Examiner Tu-Tu V. Ho in Paper No. 3 of the parent application mailed April 11, 2003. Claims 1-3 of the present divisional application are identical to unelected claims 10 -12 of the parent application.

Applicant contends that all claims find support in the original priority document as filed. Applicant thus contends that the present claims do not constitute new matter.

Respectfully submitted,

Date: 9/25/03

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T - 612/312-2200
F - 612/312-2250

09/25/03

First Named Inventor: Paul Rudeck

Attorney Docket No.: 400.177US02

Title: VERTICAL FLASH MEMORY CELL WITH BURIED SOURCE RAIL

MS: (Divisional) Patent Application

Commissioner for Patents

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We are transmitting the following documents along with this Transmittal Sheet:

☒ Incorporate by Reference: *The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.*

☒ **DIVISIONAL** of prior Patent Application No. 10/224,702 filed August 21, 2002 under 37 CFR 1.53(b) comprising:

- ☒ Specification 13 pgs., including claims numbered 1-6 and a 1 page abstract;
- ☒ 6 Sheets of Formal drawings.
- ☒ A copy of the Declaration from prior application (3 pgs.);
- ☒ A copy of Power of Attorney from prior application (1 pg.)
- ☒ Prior application is assigned of record to: Micron Technology, Inc.
- ☒ A Communication Regarding Divisional Application (1 pg.);
- ☒ Information Disclosure Statement (1 pg.) and Form 1449 (1 pg.) (References not enclosed, cited in prior application);
- ☒ A check in the amount of \$750.00 to cover the Large Entity filing fee, which is calculated below:

**PLEASE CHARGE FOR ANY ADDITIONAL FEES OR CREDIT OVERPAYMENT TO
DEPOSIT ACCOUNT 501373**

CUSTOMER NUMBER 27073

| APPLICATION FILING FEE | | | | | |
|---|----------------------------------|---|------------------------------------|-------------------------|-----------------|
| | Number of Claims Filed (1) | Claims Included in Basic Filing Fee (2) | Number of Extra Claims (1-2) | Cost per Extra Claim | Fee Required |
| Total Claims | 6 | - 20 = | 0 | x \$18.00 = | \$0.00 |
| *Independent Claims | 2 | - 3 = | 0 | x \$84.00 = | \$ 0.00 |
| One or More Multiple Dependent Claims Presented? If Yes, Enter \$280 Here * | | | | | \$ |
| Enter Basic Filing Fee (Utility Patent-\$750.00) Here * | | | | | \$750.00 |
| Total | | | | | |
| Total Application Filing Fee | | | | | \$750.00 |

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Express Mail" mailing label number: EV 306296681US **Date of Deposit:** September 25, 2003

These papers and fees are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and addressed to the Commissioner for Patents, MS (Divisional) Patent Application, Alexandria, VA 22313-1450.

(LARGE ENTITY TRANSMITTAL UNDER 37 C.F.R. 1.10)